
HOUSE BILL No. 1315

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21.

Synopsis: Automated traffic control systems. Authorizes the state police department to install an automated traffic control system in a construction or maintenance zone where the Indiana department of transportation or the Indiana finance authority has established temporary maximum speed limits. Provides: (1) for issuance of a citation for a violation of the temporary maximum speed limit by an electronic traffic ticket; and (2) that if the operator of the motor vehicle cannot be identified by means of the photograph or recorded image generated by an automated traffic control system, an electronic traffic ticket may not be mailed or given to the owner or operator of the motor vehicle.

Effective: July 1, 2008.

Friend, VanDenburgh

January 15, 2008, read first time and referred to Committee on Roads and Transportation.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1315

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-6.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 6.1. "Automated traffic control system" means:**

- 4 (1) a photographic device;
5 (2) a radar device;
6 (3) a laser device; or
7 (4) another electrical or mechanical device;

8 designed to record the speed of a motor vehicle and obtain a clear
9 photograph or other recorded image of the motor vehicle, the
10 operator of the motor vehicle, and the vehicle registration number
11 of the license plate of the motor vehicle.

12 SECTION 2. IC 9-13-2-34.4 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2008]: **Sec. 34.4. "Construction or maintenance zone" means an**
15 **area in which the Indiana department of transportation or the**
16 **Indiana finance authority has established a lower speed limit in**
17 **accordance with IC 9-21-5-11(a).**



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SECTION 3. IC 9-21-4-20, AS ADDED BY P.L.40-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) The Indiana department of transportation shall design and manufacture or have manufactured signs that inform vehicle operators of the offenses and penalties under:

- (1) IC 9-21-5-11; and
- (2) IC 9-21-8-56.

(c) A sign described in subsection (b) shall be posted at a reasonable distance before a highway work zone by:

- (1) the Indiana department of transportation;
 - (2) a political subdivision; or
 - (3) a contractor of the:
 - (A) Indiana department of transportation; or
 - (B) political subdivision;
- that is working at the highway work zone.

A sign that is posted before a highway work zone must be posted in accordance with the Indiana Manual on Uniform Traffic Control Devices or the Indiana Work Site Traffic Control Manual.

(d) If a highway work zone includes a construction or maintenance zone enforced by means of an automated traffic control system, the state police department shall post a sign in accordance with IC 9-21-5-15(d).

SECTION 4. IC 9-21-5-11, AS AMENDED BY P.L.40-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) Subject to subsection (b), the Indiana department of transportation, the Indiana finance authority, or a local authority may establish temporary maximum speed limits in their respective jurisdictions and in the vicinity of a worksite without conducting an engineering study and investigation required under this article. The establishing authority shall post signs notifying the traveling public of the temporary maximum speed limits established under this section. **A local authority that establishes a temporary maximum speed limit under this subsection shall maintain a record that indicates:**

- (1) the location of the worksite zone;**
- (2) the temporary maximum speed limit set and posted for the worksite zone; and**
- (3) the dates when the temporary maximum speed limit was in effect.**

(b) Worksite speed limits set under this section must be ten (10)

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1 miles below the maximum established speed limit. A worksite speed
 2 limit may not exceed forty-five (45) miles per hour in any location.

3 (c) A worksite speed limit set under this section may be enforced
 4 only if:

5 (1) workers are present in the immediate vicinity of the worksite;
 6 or

7 (2) if workers are not present in the immediate vicinity of the
 8 worksite, the establishing authority determines that the safety of
 9 the traveling public requires enforcement of the worksite speed
 10 limit.

11 (d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction
 12 of violating a speed limit set under this section must be entered as
 13 follows:

14 (1) If the person has not previously committed the infraction of
 15 violating a speed limit set under this section, a judgment of at
 16 least three hundred dollars (\$300).

17 (2) If the person has committed one (1) infraction of violating a
 18 speed limit set under this section in the previous three (3) years,
 19 a judgment of at least five hundred dollars (\$500).

20 (3) If the person has committed two (2) or more infractions of
 21 violating a speed limit set under this section in the previous three
 22 (3) years, a judgment of one thousand dollars (\$1,000).

23 (e) Notwithstanding IC 34-28-5-5(c), the funds collected as
 24 judgments for the infraction of violating a speed limit set under this
 25 section shall be transferred to the Indiana department of transportation
 26 to pay the costs of hiring off duty police officers to perform the duties
 27 described in IC 8-23-2-15(b).

28 **(f) A violation of a speed limit set by the Indiana department of**
 29 **transportation or the Indiana transportation finance authority**
 30 **under subsection (a) may be enforced under section 15 of this**
 31 **chapter.**

32 SECTION 5. IC 9-21-5-15 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2008]: **Sec. 15. (a) As used in this section, "owner" has the**
 35 **meaning set forth in IC 9-21-3.5-5.**

36 **(b) The state police department may install an automated traffic**
 37 **control system in a construction or maintenance zone on a highway**
 38 **under the jurisdiction of the Indiana department of transportation**
 39 **or the Indiana finance authority. Before the installation of an**
 40 **automated traffic control system, the state police department must**
 41 **conduct a public information campaign to inform operators of**
 42 **motor vehicles concerning the use of automated traffic control**

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1 systems in construction or maintenance zones.

2 (c) An automated traffic control system:

3 (1) may be installed only in an area where road construction
4 is occurring; and

5 (2) may operate only during periods when workers are
6 present in the construction or maintenance zone.

7 (d) Before an automated traffic control system installed in a
8 construction or maintenance zone under subsection (b) is used, the
9 state police department shall post signs in the construction or
10 maintenance zone in accordance with the Indiana Manual on
11 Uniform Traffic Control Devices. The signs must clearly indicate
12 that an automated traffic control system is in use in the area in
13 which the signs are posted.

14 (e) In order for a photograph or other recorded image made by
15 an automated traffic control system to be introduced as evidence
16 in an action or a proceeding against a person alleged to have
17 violated a temporary maximum speed limit established under
18 section 11(a) of this chapter:

19 (1) the motor vehicle allegedly operated in a construction or
20 maintenance zone at a speed violating the temporary
21 maximum speed limit;

22 (2) the operator of the motor vehicle;

23 (3) the vehicle registration number of the license plate of the
24 motor vehicle;

25 (4) the speed of the motor vehicle;

26 (5) date of the violation;

27 (6) the time of the violation; and

28 (7) the location of the violation;

29 must be clearly shown on the photograph or recorded image made
30 by the automated traffic control system.

31 (f) A photograph or other recorded image made by an
32 automated traffic control system may be introduced as evidence in
33 an action or proceeding against a person alleged to have violated
34 a temporary maximum speed limit established under section 11(a)
35 of this chapter even if a law enforcement officer is not present to
36 witness the alleged speed limit violation detected by the automated
37 traffic control system.

38 (g) A photograph or other recorded image made by an
39 automated traffic control system may not be introduced as
40 evidence in an action or proceeding against a person alleged to
41 have violated a speed limit unless the violation is alleged to have
42 occurred in a construction or maintenance zone. The photograph

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or recorded image is confidential and may be released only to:

- (1) the owner of the motor vehicle that allegedly appears in the photograph or other recorded image, and the attorney of the owner;
- (2) the alleged violator if the alleged violator is not the owner of the motor vehicle, and the attorney of the alleged violator;
- (3) the prosecuting attorney of the county in which the alleged violation occurred;
- (4) the court (as defined in IC 9-30-3-2); and
- (5) a law enforcement officer of the jurisdiction in which the offense occurred.

(h) An electronic traffic ticket shall be mailed or given to the owner or operator of a motor vehicle that, according to a photograph or other image made by an automated traffic control system, allegedly was operated in violation of a temporary maximum speed limit established under section 11(a) of this chapter. If mailed, the electronic ticket must be sent by means of certified mail, return receipt requested, within six (6) business days after the day of the alleged violation. If the operator of the motor vehicle cannot be identified by means of the photograph or recorded image, an electronic traffic ticket based on the alleged violation may not be mailed or given to the owner or operator of the motor vehicle.

(i) In an action or a proceeding against a person alleged to have violated a temporary maximum speed limit established under section 11(a) of this chapter based on a photograph or other recorded image made by an automated traffic control system, it is a defense if the owner of the motor vehicle:

- (1) proves that at the time of the alleged violation the owner was engaged in the business of renting or leasing vehicles under written agreements;
- (2) proves that at the time of the alleged violation the motor vehicle was in the care, custody, or control of a person other than the owner or an employee of the owner under a written agreement for the rental or lease of the vehicle for a period of not more than sixty (60) days; and
- (3) provides to the traffic violations bureau or court that has jurisdiction, not later than thirty (30) days after the owner receives notice of the alleged violation, the name and address of the individual who was renting or leasing the vehicle at the time of the alleged violation.

Not later than six (6) days after receipt of the information provided

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1 by a motor vehicle owner under subdivision (3), an electronic ticket
2 must be sent by means of certified mail, return receipt requested,
3 to the individual who is identified in the information provided
4 under subdivision (3) as having rented or leased the motor vehicle
5 at the time of the alleged violation.

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